**1975 No. 213**

**SOCIAL SECURITY**

# The Social Security Benefits Up-rating Regulations (Northern Ireland) 1975

*Made* . . . . . *28th July* 1975

*Coming into operation* . . . *17th November* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 33, 121 and 126 of, and paragraph 2(1) of Schedule 14 to, the Social Security (Northern Ireland) Act 1975(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security Benefits Up-rating Regulations (Northern Ireland) 1975 and shall come into operation on 17th November 1975.

(2) In these regulations, unless the context otherwise requires—

"the Act" means the Social Security (Northern Ireland) Act 1975;

"the up-rating order" means the Social Security Benefits Up-rating Order (Northern Ireland) 1975(b);

and other expressions have the same meanings as in the Act.

(3) Any reference in this statutory rule to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

*Increase in rates of short-term benefit payable under regulations*

**2.** Subject to the provisions of regulation 3 of these regulations, as from 17th November 1975 as respects maternity allowance and as from 20th November 1975 as respects unemployment and sickness benefit, there shall be substituted for the table in Schedule 2 to the Social Security (Short-Term Benefits) (Transitional) (Northern Ireland) Regulations 1975(d), as amended(e), the table in the Schedule to these regulations.

(a) 1975 c. 15
(b) S.R. 1975 No. 211
(c) 1889 c. 63
(d) S.R. 1975 No. 44
(e) S.R. 1975 No. 95

*Conditions relating to payment of additional benefit under awards made before the appointed or prescribed day*

**3.** Where an award of any benefit under Chapters I to III of Part II of the Act has been made before the day appointed or prescribed for the payment of the benefit in question at the rate provided in or by virtue of the up-rating order or of these regulations (hereafter in this regulation referred to as "the increased rate") paragraphs 1 and 2 of Schedule 14 to the Act (effect of any such award) shall, unless the period to which the award relates has ended before that day or the award, in accordance with the provisions of sub-paragraph (2) of the said paragraph 2, provides for the payment of the benefit at the increased rate as from that day, have effect subject to the condition that if a question arises as to—

(*a*) the weekly rate at which the benefit is payable by virtue of the up-rating order or of these regulations; or

(*b*) whether the conditions for the receipt of the benefit at the increased rate are satisfied

the benefit shall be or continue to be payable at the weekly rate specified in the award until that question shall have been determined in accordance with the provisions of the Act.

*Persons not ordinarily resident in Northern Ireland*

**4.** Regulation 5 of the Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1975(f) (application of disqualification in respect of up-rating of benefit) shall apply to any additional benefit payable by virtue of the up-rating order.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 28th July 1975.

(L.S.)

*C. G. Oakes*
Assistant Secretary

(f) S.R. 1975 No. 103